

UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

TENNESSEE

UNITED STATES OF AMERICA

EXHIBIT AND WITNESS LIST

V.
DAVID KERNELL

Case Number: 3:08-CR-142

PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTE D	DESCRIPTION OF EXHIBITS* AND WITNESSES
W		4/20/10			David Omiecinski
110		"	X	X	Floor plan of Apartment 10104 at 1115 Highland Avenue, Knoxville, Tennessee
1		"	X	X	4Chan Rubico Hello /b/ Posting on 9/17/2008
15		"	X	X	Screen capture of 03.jpg of Palin e-mail account from Wikileaks
16		"	X	X	Screen capture 05.jpg of Palin e-mail account from Wikileaks
17		"	X	X	Screen capture 01.jpg of Palin e-mail account from Wikileaks
18		"	X	X	Screen capture 04.jpg of Palin e-mail account from Wikileaks
21		"	X	X	Screen capture contacts.txt of Palin e-mail account from Wikileaks
24		"	X	X	Screen capture 02.jpg of Palin e-mail account from Wikileaks
W		4/21/10			Jeff Stanford - Custodian of Records for Yahoo!
89		"	X	X	U.S. Map showing locations of states with Yahoo servers
90		"	X	X	Screen captures for Yahoo! Password Reset
75		"	X	X	Email from " yahoo-account-services-us@cc.yahoo-inc.com " to Palin email account re "Your Yahoo! Password was changed"
93		"	X	X	Yahoo! Account Management Tool for Gov.Palin@yahoo.com
104		"	X	X	Yahoo! Account Management Tool for rubico10@yahoo.com
97		"	X	X	Yahoo! Account Forensics for Gov.Palin@yahoo.com
108		"	X	X	Yahoo! Account Forensics for rubico1337@yahoo.com
98		"	X	X	Yahoo! Log-in Tracker Log for Gov.Palin@yahoo.com
109		"	X	X	Yahoo! Log-in Tracker Log for rubico1337@yahoo.com
105		"	X	X	Yahoo! Log-in Tracker Log for rubico10@yahoo.com
99		"	X	X	Yahoo! Web Access Logs for Gov.Palin@yahoo.com
100		"	X	X	Yahoo! Printout dated 11/11/2008 of Palin e-mail account
101		"	X	X	Yahoo! Printout dated 10/13/2008 of Palin e-mail account
102		"	X	X	Yahoo! Printout dated 9/17/2008 of Palin e-mail account
106		"	X	X	E-mail from "Kim Zetter" to rubico10@yahoo.com

91		"	X	X	Sample Yahoo! Log entry for Gov.Palin@yahoo.com
92		"	X	X	Sample Yahoo! Log Log entry for Gov.Palin@yahoo.com account with file attachment 174.JPG
93		"	X	X	Yahoo Account Management Tool for Gov.Palin@yahoo.com
94		"	X	X	Summary of Logins to Gov.Palin@yahoo.com
96		"	X	X	Summary of Logins to Gov.Palin@yahoo.com
95		"	X	X	Summary of Web Access Logs for Gov.Palin@yahoo.com
107		"	X	X	Rubico1337@yahoo.com Account Password Change
103		"	X	X	Summary of Logins to rubico10@yahoo.com
104a		"	X	X	Yahoo Account Forencis for Rubico10
171		"	X	X	Yahoo Account Management Page for Rubico1337
	5	"	X	X	Yahoo! Terms of Service Policy
	2	"	X	X	Collective Business Exhibits (Yahoo!)
W	4/21/10				Ivy Frye
25		"	X	X	E-mail to Palin e-mail account resetting password to "samsonite1"
26		"	X	X	E-mail to Palin e-mail account resetting password to "abc123"
27		"	X	X	Gawker article re "Sarah Palin's Personal Emails"
28		"	X	X	E-mail from Del Pera to Ivy Frye
32		"	X	X	E-mail from ovahea@gmail.com
	64	"	X	X	Email from Ivy Frye to Sarah Palin "Fw: UPDATE: Legislation Awaiting Action - SB 221 sent to governor
W	4/21/10				Frank Bailey
39		"	X	X	E-mail from Greg & Brandy Jones to Palin e-mail account
40		"	X	X	E-mail w/attachment from John Morgan to Palin e-mail account
41		"	X	X	E-mail from Judy Patrick to Palin e-mail account
42		"	X	X	E-mail from Judy Patrick to Palin e-mail account
43		"	X	X	E-mail from fek9wnr@Yahoo.com to Palin e-mail account
44		"	X	X	E-mail from Sally Heath to Palin e-mail account
45		"	X	X	E-mail from Palin e-mail account to Debbie Joslin
46		"	X	X	E-mail from Sally Heath to Palin e-mail account
47		"	X	X	E-mail from fatkidron@aol.com to Palin e-mail account
48		"	X	X	IMG00091.jpg in Palin e-mail account
49		"	X	X	IMG00091.jpg in Palin e-mail account
50		"	X	X	IMG00172.jpg in Palin e-mail account
51		"	X	X	IMG00174.jpg in Palin e-mail account

52		"	X	X	IMG00176.jpg in Palin e-mail account
53		"	X	X	IMG00177.jpg in Palin e-mail account
54		"	X	X	IMG00178.jpg in Palin e-mail account
55		"	X	X	IMG00191.jpg in Palin e-mail account
56		"	X	X	E-mail from Judy Patrick to Palin e-mail account
57		"	X	X	E-mail from fek9wnr@Yahoo.com to Palin e-mail account w/attachment
58		"	X	X	E-mail from fek9wnr@Yahoo.com to Palin e-mail account w/attachment
59		"	X	X	E-mail from 19079829061@mms.dobson.net to Palin e-mail account w/attachment
60		"	X	X	E-mail from "katie" to Palin e-mail account
61		"	X	X	E-mail from "Stapleton, Meghan N (DNR)" to Palin e-mail account
62		"	X	X	E-mail from "Palin, J.D." to Palin e-mail account
63		"	X	X	E-mail from "Todd" to Palin e-mail account
64		"	X	X	E-mail from "Fagerstrom, Erika (GOV)" to Palin e-mail account
65		"	X	X	E-mail from Palin e-mail account to Judy Patrick
66		"	X	X	E-mail from "Katie" to Palin e-mail account
67		"	X	X	E-mail from "Juanita" to Palin e-mail account
68		"	X	X	E-mail from "Juanita" to Palin e-mail account
69		"	X	X	E-mail from Sally Heath to Palin e-mail account
70		"	X	X	E-mail from Ivy Frye to Palin e-mail account
71		"	X	X	E-mail from Ivy Frye to Palin e-mail account
72		"	X	X	E-mail from Ivy Frye to Palin e-mail account
73		"	X	X	E-mail from "McBride, Rhonda (GOV)" to Palin e-mail account
74		"	X	X	E-mail from "Goode, Kelly C (GOV)" to Palin e-mail account
75		"	X	X	E-mail from " yahoo-account-services-us@cc.yahoo-inc.com " to Palin e-mail account re "Your Yahoo! password was changed"
76		"	X	X	E-mail from Ivy Frye to Palin e-mail account
77		"	X	X	E-mail from Ivy Frye to Palin e-mail account
78		"	X	X	E-mail from Ivy Frye to Palin e-mail account
79		"	X	X	E-mail from Sally Heath to Palin e-mail account
80		"	X	X	E-mail from "JD & Trish" to Palin e-mail account
81		"	X	X	E-mail from "frank bailey" to Palin e-mail account
82		"	X	X	E-mail from "Yahoo! Mail" to Palin e-mail account re "Welcome to Yahoo! Mail Plus"
	65	"	X	X	Letter to Gregory Weddle from Thomas Van Flein
W	4/21/10				Gabe Ramuglia (VTunnel)

135		"	X	X	Screenshot of Ctunnel.com Terms of Service
134		"	X	X	Screenshot of Ctunnel.com website
136		"	X	X	Summary of Proxy Activity from 66.253.190.21 for 9/16/2008
137		"	X	X	E-mail from Gabe@vtunnel.com (Gabriel Ramuglia) with printout of Vtunnel
138		"	X	X	E-mail from Gabe@vtunnel.com (Gabriel Ramuglia) with printout of Vtunnel
140		"	X	X	Printout of Ctunnel 66.253.190.21.htm
141		"	X	X	Printout of Ctunnel SQL Dump
	66	"	X	X	Ctunnel.com Chart by Wade Davies
W	4/21/10				Bristol Palin
83		"	X	X	AT&T Affidavit with Subscriber Record and Call Detail for cell phone number 907-982-9061 used by Bristol Palin
84		"	X	X	AT&T Call Detail Summary of unwanted calls and text messages for 907-982-9061 (Bristol Palin) initialed and dated by Bristol Palin
13		"	X	X	Photobucket screen capture 01.jpg - e-mail from Palin e-mail account to "Sean Parnell"
W	4/21/10				Wendy Gallant (Photobucket)
3		"	X	X	Photobucket Basic Subscriber Page
4		"	X	X	Photobucket "anoncrack" account upload log
2		"	X	X	Photobucket Summary for 9/17/2008
5		"	X	X	Photobucket photo "family2" - Willow with Trig on plane
6		"	X	X	Photobucket photo "family1" - Palin kids
7		"	X	X	Photobucket screen capture of Palin Yahoo e-mail account info
8		"	X	X	Photobucket screen capture of Palin Yahoo contact list
9		"	X	X	Photobucket screen capture 05.jpg - Palin Yahoo e-mail box
10		"	X	X	Photobucket screen capture 04.jpg - e-mail from Amy McCorkell to Palin Yahoo
11		"	X	X	Photobucket screen capture 03.jpg - Palin e-mail inbox
12		"	X	X	Photobucket screen capture 02.jpg - e-mail to Ivy Frye from the Good Anonymous
W	4/22/10				Max Kelly (Facebook)
117		"	X	X	Facebook printout of Profile and Friends List for David Kernell (Friend ID 9432971)
118		"	X	X	Facebook printout of Neomessages and Messages for David Kernell (Friend ID 9432971)
119		"	X	X	Facebook printout of IP logs for User ID 9432971
113		"	X	X	Summary of Facebook Activity from IP 66.253.190.21 for David Kernell (Friend ID 9432971)
114		"	X	X	Summary of Facebook Activity from IP 66.253.191.62 for David Kernell (Friend ID 9432971)
116		"	X	X	Summary of Facebook Deactivation for David Kernell (Friend ID 9432971)
115		"	X	X	Summary of Facebook Friends of Kernell

120		"	X	X	Summary of Facebook Neomessage to David C. Kernell from Riley Long
121		"	X	X	Summary of Facebook Chat Messages to Julian Sanchez
W	4/22/10				Benjamin Reed
123		"	X	X	Summary of Facebook Chat Messages to Ben Reed
W	4/22/10				Chris Poole
125		"	X	X	Summary of 4chan website
129		"	X	X	4chan e-mail to FBI w/4 attached files (downloaded to disk)
130		"	X	X	4chan printout of Audit Logs for 9/16/2008
131		"	X	X	4chan printout of Web Logs for for IP Address: 66.253.190.21 and Vtunnel proxy
132		"	X	X	4chan printout of Database Entries for 9/16/2008
133		"	X	X	4chan printout of Web Logs of Other IPs that accessed gov.palin
126		"	X	X	Summary of 4chan Activity IP 66.253.190.21
W	4/22-4/23				FBI Agent Steve McFall
144		"	X	X	Photo of Acer Laptop computer
145		"	X	X	Photo of identifying labels on Acer laptop computer
146		"	X	X	Photo of Acer laptop hard drive and imaged copy
600		"	X	X	Acer Laptop Attributes
601		"	X	X	Acer Laptop Hard Drive Summary - Reduced Master Summary
602		"	X	X	Acer Laptop Hard Drive Log File Summary
603		"	X	X	Defendant Facebook Message from Log File
604		"	X	X	ARIN WHOIS Database Search
501		"	X	X	IP address 66.253.190.21, log into Facebook.com; email address dkernell@utk.edu; password Rocket10
502		"	X	X	Install Firefox, version 3.0.1
503		"	X	X	IP address 66.253.190.21, log into Facebook.com; user id 9432971 (David Kernell)
504		"	X	X	Facebook chat posts: user dkernell@utk.edu; "acer" and "its awsome"
505		"	X	X	Facebook chat posts: user dkernell@utk.edu; "i got ,y computer in the mail", "i like it" and "this one is from my uncle"
506		"	X	X	Facebook chat posts: user dkernell@utk.edu; "give me a call if you do!"; "haha 901-292-9265"
507		"	X	X	Install Zune 2.5
508		"	X	X	Access The Commons at Knoxville website; IP address 66.253.190.21 name: David Kernell; e-mail: dkernell@utk.edu; password: Rocket10; property ID number: 12405; mother's maiden name: loretta
509		"	X	X	Create D:\b
510		"	X	X	Create C:\Documents and Settings\Sam Kernell\Recent\b.LNK file; access to the folder D:\b

511		"	X	X	Forensic evidence re NYT Internet article "Once Elected, Palin Hired Friends and Lashed Foes"
512		"	X	X	NYT Internet article "Once Elected, Palin Hired Friends and Lashed Foes"
513		"	X	X	Facebook user id: 9432971 (David Kernal) www.facebook.com/friends/
514		"	X	X	Yahoo login rubico1337 (https://edit.yahoo.com/forgot)
515		"	X	X	Yahoo login gov.palin (https://edit.yahoo.com/forgot); IP 66.253.190.21
516		"	X	X	Forensic evidence re Internet valleywag.com article titled: "Why Palin's Yahoo mail account is just like Gavin Newsoms iPhone" (valleywag.gawker.com/.../gavin-newsom-insinuates-himself-into-latest-san-francisco-wireless-internet-plan)
517		"	X	X	Internet valleywag.com article titled: "Why Palin's Yahoo mail account is just like Gavin Newsoms iPhone" (valleywag.gawker.com/.../gavin-newsom-insinuates-himself-into-latest-san-francisco-wireless-internet-plan)
518		"	X	X	Wikipedia article about Sarah Palin
519		"	X	X	Google searches
520		"	X	X	Yahoo login gov.palin (https://edit.yahoo.com/forgot); IP 66.253.190.21 security question: enter school in pwa field
521		"	X	X	http://btunnel.com/ proxy; enter yahoo.com; IP 66.253.190.21
522		"	X	X	IMG00191.JPG saved to desktop
523		"	X	X	Create C:\Documents and Settings\Sam Kernal\Recent\IMG00191.LNK file Access to the file C:\Documents and Settings\Sam Kernal\Desktop\IMG00191.JPG
524		"	X	X	IMG00176.JPG saved to desktop
525		"	X	X	http://ctunnel.com/ proxy; enter yahoo.com; IP 66.253.190.21
526		"	X	X	Forensic evidence re 4chan post - [No. 85525276]
527		"	X	X	Summary of forensic evidence of 4chan posts
528		"	X	X	Execution of OIS.EXE (Microsoft Office Picture Manager) used for screen captures
529		"	X	X	Create C:\Documents and Settings\Sam Kernal\My Documents\My Pictures\New Picture.BMP file
530		"	X	X	Create C:\Documents and Settings\Sam Kernal\Recent\anondelivers.LNK file Access to file C:\anondelivers.BMP
531		"	X	X	Create C:\Documents and Settings\Sam Kernal\Desktop>New Picture.JPG file
532		"	X	X	Yahoo e-mail access using ctunnel.com proxy; IP 66.253.190.21 username gov.palin; password popcorn
533		"	X	X	Create C:\Documents and Settings\Sam Kernal\My Documents\My Pictures\palin folder
534		"	X	X	Create C:\Documents and Settings\Sam Kernal\Recent\002.LNK file Access C:\Documents and Settings\Sam Kernal\My Documents\My Pictures\palin\002.BMP file
535		"	X	X	Send e-mail from gov.palin@yahoo.com to lolpalin@mailinator.com using ctunnel proxy service
536		"	X	X	File IMG00091.JPG saved to the user's desktop
537		"	X	X	File IMG00174.JPG saved on desktop;
538		"	X	X	Create C:\Documents and Settings\Sam Kernal\My Documents\My Pictures\New Picture.BMP file
539		"	X	X	http://dtunnel.com/ proxy; enter yahoo.com; IP 66.253.190.21
540		"	X	X	4chan post - September 16, 2008 at 2:01 p.m.
541		"	X	X	Yahoo login gov.palin (https://edit.yahoo.com/forgot)

542		"	X	X	Log into Facebook.com; email address dkernell@utk.edu; password Rocket10
543		"	X	X	http://ctunnel.com/ web proxy service; enter yahoo.com
544		"	X	X	Log into Facebook.com (User 9432971 - David Kernell)
545		"	X	X	Facebook.com chat messages from David Kernell (User 9432971) to Ben Reed (User 9433863)
546		"	X	X	Facebook.com chat messages from David Kernell (User 9432971) to Ben Reed (User 9433863)
547		"	X	X	Facebook.com chat messages from David Kernell (User 9432971) to Ben Reed (User 9433863)
548		"	X	X	Facebook.com chat messages from David Kernell (User 9432971) to Ben Reed (User 9433863)
549		"	X	X	Log into https://thecommonsatknoxville.prospectportal.com email address dkernell@utk.edu; password Rocket10; Firefox web browser
550		"	X	X	Log into Facebook.com; email address: dkernell@utk.edu; password: Rocket10 (User 9432971 - David Kernell)
551		"	X	X	Facebook.com chat message recovered from drive free space 50
552		"	X	X	Facebook.com chat message from David Kernell (User 9432971) to Riley Long (User 1505280110)
553		"	X	X	Facebook.com chat message from David Kernell (User 9432971) to Riley Long (User 1505280110)
554		"	X	X	Facebook.com chat message from David Kernell (User 9432971) to Riley Long (User 1505280110)
555		"	X	X	Yahoo login gov.palin (https://edit.yahoo.com/forgot)
556		"	X	X	Facebook.com chat message from David Kernell (User 9432971) to Riley Long (User 1505280110)
557		"	X	X	Facebook.com chat message from David Kernell (User 9432971) to Riley Long (User 1505280110)
558		"	X	X	Facebook.com chat message from David Kernell (User 9432971) to Riley Long (User 1505280110)
559		"	X	X	Create C:\Documents and Settings\Sam Kernell\My Documents\Hello.doc file
560		"	X	X	Create C:\Documents and Settings\Sam Kernell\My Documents\Hello.doc file
561		"	X	X	Create C:\Documents and Settings\Sam Kernell\My Documents\Hello.doc file
562		"	X	X	Create C:\Documents and Settings\Sam Kernell\Recent\family2.LNK file (access to the file D:\b\family2.JPG)
563		"	X	X	Email sent to rubico10@yahoo.com from Jefferson Smith - September 17, 2008 at 9:58 p.m.
564		"	X	X	Access www.yahoo.com: userid: rubico10@yahoo.com; password: Rocket10
565		"	X	X	Update profile rubico10@yahoo.com; FN field: moot; PZ field: 99678
566		"	X	X	Update profile rubico10@yahoo.com; FN field: i am; LN field: moot; PZ field: 99678
567		"	X	X	Log-in attempt www.blogger.com; email address: rubicon; password: rocket10
569		"	X	X	Internet Explorer cache index
570		"	X	X	Log into Facebook.com; email address dkernell@utk.edu; password Rocket10
571		"	X	X	Last use of the Firefox web browser
572		"	X	X	Mozilla Firefox web browser uninstaller program
573		"	X	X	Google search: "palin email"
574		"	X	X	Log into Facebook.com; email address dkernell@utk.edu; password Rocket10
575		"	X	X	File properties for image file - Willow and Trig

576		“	X	X	Google search: “rubicon”
577		“	X	X	Google search: “rubicon”
578		“	X	X	Google search: “rubicon”
579		“	X	X	Google search: “rubicon”
580		“	X	X	Google search: “4chan”
581		“	X	X	Google search: “4chan taken down”
582		“	X	X	Google search: “legalites email”
583		“	X	X	Google search: “legalities email”
584		“	X	X	Internet document “Legalities regarding publishing
585		“	X	X	Google search: “legalities yAHOO email”
586		“	X	X	Google search: “legalities yAHOO mail”
587		“	X	X	Google search: “yAHOO mail”
588		“	X	X	Google search: “yAHOO email legal”
589		“	X	X	Google search: “sopenaning ip adresses”
590		“	X	X	Google search: “sopena ip adresses”
591		“	X	X	Google search: “sopena ip adresses”
592		“	X	X	Google search: “sopena ip addresses”
593		“	X	X	Google search: “yAHOO email legal”
594		“	X	X	Google search: “Stored Communications Act or SCA”
595		“	X	X	Google search: “firewall”
596		“	X	X	Google search: “zone alarm firewall”
597		“	X	X	User views Computer_Security_Expert_Testifies_RIAA_Can_t_
598		“	X	X	User views Computer_Security_Expert_Testifies_RIAA_Can_t_
599		“	X	X	Disk Defragmenter program
500		“	X	X	Computer Forensic Examination Timeline
606		“	X	X	Google Searches from Acer Laptop Examination
607		“	X	X	Acer Laptop Hard Drive Summary Deleted with Times
613		“	X	X	IMG00174.jpg
614		“	X	X	IMG00091.jpg
157		“	X	X	*Sealed to public* - CD of files used by Jason Passwaters
609		“	X	X	4chan Post - September 16, 2008 at 1:00:34
610		“	X	X	4chan Post - September 16, 2008 at 1:41:48
611		“	X	X	4chan Post - September 16, 2008 at 1:53:49
617		“	X	X	4chan Posts -September 16, 2008 at 1:46:23

612		“	X	X	4chan Posts -September 16, 2008 at 2:01:02
19		“	X	X	Screen capture family2.jpg of Palin e-mail account from WikiLeaks
20		“	X	X	Screen capture family1.jpg of Palin e-mail account from WikiLeaks
22		“	X	X	Screen capture email-account-info.txt of Palin e-mail account from WikiLeaks
23		“	X	X	Screen capture email-index.txt of Palin e-mail account from WikiLeaks
605		“	X	X	Google Searches and Wikipedia Tabs
615		“	X	X	IMG00174.jpg Comparison
616		“	X	X	IMG00091.jpg
618		“	X	X	Drive Free Space - rubico post of Hello.doc
623		“	X	X	Google Queries
624		“	X	X	Google Searches from Acer Laptop Examination
622		“	X	X	Google Queries
619		“	X	X	Acer Laptop Hard Drive Summary - Hello.doc and Remnants
625		“	X	X	Acer Laptop Deletions
626		“	X	X	Firefox Uninstall
627		“	X	X	Restore Point - September 16, 2008
628		“	X	X	Restore Point - September 18, 2008
629		“	X	X	Disk Defragmenter
621		“	X	X	Palin-in-the-Car.jpg
630		“	X	X	Acer Laptop Hard Drive Summary - Master
	8	4/23/10	X	X	Photograph of defendant's room
	9	“	X	X	Photograph of books on defendant's desk
	11	“	X	X	Photograph of laptop on defendant's desk
	12	“	X	X	*Sealed to public -Photograph of defendant's ID's and bank card
	26	“	X	X	NYT Internet article “Once Elected, Palin Hired Friends and Lashed Foes”
	37	“	X	X	http://gov.state.ak.us/bio_firstgent.php (First Gentleman's Biography Todd Palin)
	68	“	X	X	Email containing photograph of Palin children
W		4/23/10			Sarah Palin
S1			X	X	Stipulation: Summary of Various Timezones
85			X	X	Records that reflect the various area codes and locations
111			X	X	Sprint Nextel Affidavit with Subscriber Record and Call Detail for cell phone number 901-292-9265 subscribed to Michael Kernell/used by David Kernell
149			X	X	Property Solutions Affidavit and records related to on-line payments for David
153			X	X	Google, Inc. Affidavit and records for Search Terms

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

Page 1 of